

**REPORT OF THE LITIGATION SUBCOMMITTEE
OF THE FINANCE COMMITTEE
(EXECUTIVE SESSION)**

February 16, 2010

The Honorable,
The Board of Commissioners of Cook County

Ladies and Gentlemen,

Your Litigation Subcommittee of the Finance Committee of the Board of Commissioners met pursuant to notice on Wednesday, February 16, 2010 at 1:00 p.m., in the County Building, Room 569, Chicago, Illinois.

ATTENDANCE:

Present: Chairman Silvestri, Vice Chairman Collins, Commissioners Peraica, Schneider and Suffredin (5)

Absent: Commissioners Beavers and Gainer (2)

Also Present: Patrick Driscoll, Jr. – Deputy State's Attorney, Chief, Civil Actions Bureau; Donald Pechous – Deputy Chief, Civil Actions Bureau; Francis J. Catania – Assistant State's Attorney; Matthew Burke – Counsel, Office of the Sheriff; V. Brett Besinger, Attorney at Law, Hinshaw & Culbertson; Daniel F. Gallagher – Attorney at Law, Querrey & Harrow; Steven M. Klaczynski – Attorney at Law, Hinshaw & Culbertson LLP; James J. Knibbs – Attorney at Law, Meckler Bulger Tilson Marick & Pearson LLP; Alastar S. McGrath – Attorney at Law, Law Offices of Alastar S. McGrath, P.C.; James B. Novy – Attorney at Law, Rock Fusco, LLC; Paul O'Grady – Attorney at Law, Query & Harrow; John J. Rock, Rock Fusco LLC

Commissioner Peraica, seconded by Commissioner Schneider, moved to receive and file the Case Disposition Summary Report. The motion carried.

Commissioner Suffredin, seconded by Commissioner Schneider, moved to convene Executive Session. The motion carried.

Vice Chairman Collins, seconded by Commissioner Schneider, moved to return to Regular Session. The motion carried.

Commissioner Suffredin, seconded by Commissioner Schneider, moved to Approve Payment for Tabs #1 through #24 which are in compliance with the County's Attorney-Fee Guidelines, except Tab 7, *Santana v. Cook County, et al.* which was Deferred. The motion carried.

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| Tab 1 | Burton S. Odelson Case No. 08 CH 2056 | Enforcement of Inspector General Subpoena |
| Tab 2 | Ronald D. Menaker Case No. 09 CH 46967 | Investigation by a Third Party (Michael Morrissey) |
| Tab 3 | William R. Quinlan Case No. 09 C 4930 | <i>Perkins v. Dorothy Brown</i> |
| Tab 4 | John C. Coyne Case No. 06 C 5380 | <i>Enrique Campillo v. County of Cook, et al.</i> |
| Tab 5 | Richard A. Devine Case No. 06 C 5380 | <i>Enrique Campillo v. County of Cook, et al.</i> |
| Tab 6 | Richard A. Devine Case No. 08 CV 0483 | <i>Haynes, et al. v. Sheriff Thomas Dart, et al.</i> |
| Tab 7 | John J. Rock Case No. 09 C 5027 | <i>Santana v. Cook County, et al.</i> |
| Tab 8 | John J. Rock Case No. 08 C 3613 | <i>Lambert v. Jamison, et al.</i> |
| Tab 9 | Steven M. Puiszis Case No. 03 C 5207 | <i>Fairley, et al. v. Andrews, et al.</i> |
| Tab 10 | Steven M. Puiszis Case No. 04 C 1051 | <i>Bullock v. Sheahan</i> |
| Tab 11 | Steven M. Puiszis Case No. 03 C 1768 | <i>Hart/David v. Sheahan</i> |
| Tab 12 | Steven M. Puiszis Case No. 09 C 5027 | <i>Santana v. Cook County Board of Review</i> |
| Tab 13 | V. Brett Bensingier Case No. 06 CH 25576 | <i>Michael L. Shakman, et al. v Sheriff of Cook County, et al.</i> |
| Tab 14 | Thomas More Leinenweber Case No. 07 L 0691 | <i>Patricia Brenner v. Thomas Dart, et al.</i> |
| Tab 15 | Alastar S. McGrath Case No. 03 C 5207 | <i>Fairley, et al. v. Andrews, et al.</i> |
| Tab 16 | James D. Sloan Case No. 06 L 4916 | <i>Demarco Robinson v. G. Aswad, M.D.</i> |

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| Tab 17 | Daniel F. Gallagher Case No. 74 C 2949 | <i>Duran v. Thomas Dart, et al.</i> |
| Tab 18 | Daniel F. Gallagher Case No. 06 C 4764 | <i>Egonmwan v. Cook County Sheriff's Dept.</i> |
| Tab 19 | Daniel F. Gallagher Case No. 07 C 6003 | <i>Hunt v. Thomas Dart, et al.</i> |
| Tab 20 | Daniel F. Gallagher Case No. 07 C 3889 | <i>Phipps v. Sheriff of Cook County, et al.</i> |
| Tab 21 | Daniel F. Gallagher Case No. 08 C 732 | <i>Streeter v. Sheriff of Cook County, et al.</i> |
| Tab 22 | Daniel F. Gallagher Case No. 05 C 1493 | <i>Swearnigen-El v. Cook County Sheriff's Dept.</i> |
| Tab 23 | Daniel F. Gallagher Case No. 08 C 1349 | <i>White v. County of Cook, et al.</i> |
| Tab 24 | Daniel F. Gallagher Case No. 06 C 552 | <i>Young v. County of Cook, et al.</i> |

In response to Chairman Silvestri's request, Patrick Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau agreed to invite Mr. Marsico to the next Finance Litigation Subcommittee to discuss Tab Number 7, *Santana v. Cook County, et al.*

Commissioner Suffredin, seconded by Commissioner Peraica, moved to recommend authority to try in the case of *Cathryn Coleman v. Cook County*, Case Number 2005 CF 3477. The motion carried.

Commissioner Suffredin, seconded by Commissioner Schneider, moved to concur with the recommendation of the State's Attorney's Office with respect to authorization of a settlement amount based contingent upon the insurance company's tendering policy amounts in question in the case of *Kim Young, et al. v. Thomas Dart*, Case Number 06 CV 552. The motion carried. Commissioner Peraica voted no.

Commissioner Suffredin, seconded by Commissioner Schneider, moved to concur with the recommendation of the State's Attorney's Office with respect to the U.S. Department of Justice Investigation of the Cook County Jail, recommending execution of the CRIPA Agreement. The motion carried.

Commissioner Suffredin requested that Donald Pechous, Deputy Chief, Civil Actions Bureau, Paul O'Grady, Attorney at Law, Query & Harrow, and Daniel F. Gallagher, Attorney at Law, Querrey & Harrow provide a two-page memo explaining the changes that were made from the prior proposed settlement document to this one, so that he can

have a document that explains to fellow Commissioners why this proposed settlement document is better than the prior one.

Commissioner Suffredin, seconded by Commissioner Schneider, moved to recommend authority to settle the case of *Abraham Yasin v. Sheriff of Cook County, Thomas Dart*, Case Number 07 C 1266. The motion carried. Vice Chairman Collins and Commissioner Peraica voted no.

Commissioner Suffredin, seconded by Commissioner Peraica, moved to recommend authority to try in the case of *Daniel Jeffries v. Officer Robinson, et al.* Case Number 08 C 6922. The motion carried.

Commissioner Suffredin, seconded by Commissioner Peraica, moved to recommend authority to try in the case of *Jeryme Morgan v. Officer Commander* Case Number 08 C 7383. The motion carried.

Vice Chairman Collins, seconded by Commissioner Suffredin, moved to receive and file the information submitted on the case of *Fairley, et al. v. Andrews, et al.* Case Number 03 C 5207. The motion carried.

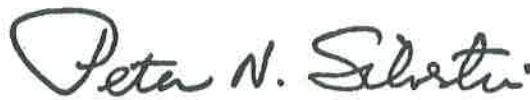
Vice Chairman Collins, seconded by Commissioner Suffredin, moved to receive and file the status report of *Duran v. Nathaniel Brown, et al.* Case Number 74 C 2949. The motion carried.

Vice Chairman Collins, seconded by Commissioner Suffredin, moved to receive and file the status report of *County of Cook v. Charles A. Flowers, Suburban Cook County Regional Office of Education* Case Number 09 CH 23213. The motion carried.

Mr. Driscoll agreed to prepare a memo as pertains to this matter.

Commissioner Suffredin, seconded by Commissioner Schneider, moved to adjourn. The motion carried unanimously and the meeting was adjourned.

LITIGATION SUBCOMMITTEE OF THE
FINANCE COMMITTEE



PETER N. SILVESTRI, CHAIRMAN

ATTEST:


MATTHEW B. DeLEON, SECRETARY